

AMENDED IN ASSEMBLY MAY 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 129

Introduced by Assembly Member Cohn

January 15, 2003

~~An act to add Title 1.81.2 (commencing with Section 1798.90.1) to Part 4 of Division 3 of the Civil Code, relating to personal information. An act relating to the juvenile court.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 129, as amended, Cohn. ~~Personal information: driver's licenses~~ Juvenile court: dual status children.

Existing law provides that whenever a minor appears to come within the descriptions of both a dependent child and a ward of the juvenile court, the county probation department and the child protective services department shall, pursuant to a jointly developed written protocol, initially determine which status will serve the best interest of the minor and the protection of society.

The bill would express the intent of the Legislature to enact provisions that would authorize any county to create a protocol which would permit a minor who meets specified criteria to be designated as both a dependent child and a ward of the juvenile court. A minor who is designated as both a dependent child and a ward of the juvenile court would be known as a dual status child. These provisions would also require the Judicial Council to evaluate the results of implementing the protocol, and to report its findings to the Legislature, as specified.

~~(1) Existing law, the Information Practices Act of 1977, makes the intentional disclosure of medical, psychiatric, or psychological~~

~~information in violation of the disclosure provisions of that act, a misdemeanor if the wrongful disclosure results in economic loss or personal injury to the individual to whom the information pertains, except for disclosures which are otherwise required or permitted by law.~~

~~This bill would prohibit a business, as defined, that uses the information data encoded upon a state driver's license or identification card in order to verify a person's identity or personal information for purposes of conducting business with that person, by electronic means or otherwise, from recording, storing, or retaining that information, or using that information for marketing purposes.~~

~~A violation of this prohibition would constitute a misdemeanor punishable by imprisonment in a county jail for no more than one year, or by a fine of no more than \$10,000, or both.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes-no. State-mandated local program: yes-no.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Title 1.81.2 (commencing with Section~~
- 2 ~~SECTION 1. (a) It is the intent of the Legislature to enact~~
- 3 ~~provisions that would authorize any county to create a protocol~~
- 4 ~~which would permit a minor who meets specified criteria to be~~
- 5 ~~designated as both a dependent child and a ward of the juvenile~~
- 6 ~~court. A minor who is designated as both a dependent child and a~~
- 7 ~~ward of the juvenile court would be known as a dual status child.~~
- 8 ~~These provisions would require that a county file with the juvenile~~
- 9 ~~court a Protocol and Agreement signed by the chief probation~~
- 10 ~~officer, the director of the State Department of Social Services, and~~
- 11 ~~the presiding supervising judge of the juvenile court prior to~~
- 12 ~~designating any minor as a dual status child. The protocol would~~
- 13 ~~be required to include the following:~~
- 14 ~~(1) A description of the criteria that a minor must satisfy in~~
- 15 ~~order to be eligible for designation as a dual status child.~~

(2) A description of the procedure whereby the probation department and the State Department of Social Services will manage the cases of dual status children.

(3) In those circumstances in which one judge does not hear both matters, a description of the manner in which the judges hearing each case will communicate with each other.

(b) The provisions described in subdivision (a) would also require the Judicial Council to evaluate the results of implementing the protocol described in subdivision (a) and to report its findings to the Legislature within two years after a county has begun utilizing the protocol.

~~1798.90.1) is added to Part 4 of Division 3 of the Civil Code, to read:~~

~~TITLE 1.81.2. —CONFIDENTIALITY OF DRIVER’S
LICENSE INFORMATION~~

~~1798.90.1. — (a) No business that uses the information data encoded upon a state driver’s license, as defined in Section 310 of the Vehicle Code, or identification card issued pursuant to Section 13000 of the Vehicle Code or any similar provision of law, in order to verify a person’s identity or personal information for purposes of conducting business with that person may, by electronic means or otherwise, record, store, or retain that information, or use that information for marketing purposes.~~

~~(b) As used in this section, “business” means a proprietorship, partnership, corporation, or any other form of commercial enterprise.~~

~~(c) A violation of this section constitutes a misdemeanor punishable by imprisonment in a county jail for no more than one year, or by a fine of no more than ten thousand dollars (\$10,000), or by both.~~

~~SEC. 2.—No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within~~

- 1 ~~the meaning of Section 6 of Article XIII B of the California~~
- 2 ~~Constitution.~~

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